

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

<b>IN RE:</b>	)	<b>08-10768/Chapter 11 Proceeding</b>
	)	
<b>ANATOLI I. KARATCHOUN</b>	)	<b>MOTION TO SECURE PAYMENT</b>
<b>a/k/a Point West Excavation, LLC</b>	)	<b>OF ADMINISTRATIVE COST</b>
<b>and wife, LYUBOV KARATCHOUN,</b>	)	
	)	
<b>Debtors.</b>	)	

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The debtors/debtors-in-possession move the Court, allege and say as follows:

1. The debtors filed a voluntary Chapter 11 proceeding on September 24, 2008.
2. At the time of filing, there was a foreclosure pending on the most valuable asset of the Chapter 11 Estate which required an immediate Chapter 11 filing.
3. At time of the Chapter 11 filing, the debtors were asset rich and cash poor with minimal funds to deposit for the cost, fees and administrative cost of the Chapter 11 proceeding.
4. The debtors own unencumbered property, two lots in High Vista community in Buncombe County, North Carolina, with estimated value of \$100,000.00 upon which they have agreed to have liens filed to secure the cost, fees and administrative cost being paid for this proceeding.
5. The debtors' total asset value significantly exceeds the debtors' valid debts and allowing the lien to secure the administrative costs of the Chapter 11 proceeding will not disadvantage any legitimate claimant in this proceeding.
6. The debtors/debtors-in-possession will utilize two primary professionals in this proceeding, David G. Gray as attorney for the Chapter 11 proceeding and David W. Cartner as attorney for regular post-petition work in the development and sale of the real property assets.
7. There may also be other professionals and administrative cost to be paid during the proceeding.
8. It is in the best interest of the creditors, Chapter 11 Estate and the debtors/debtors-in-possession to approve the deed of trust lien on debtors' unencumbered lots to facilitate the payment as ordered by the Court of the fees, costs and administrative costs of the Chapter 11 proceeding which will insure appropriate payment to all valid claimants.

**THEREFORE, the debtors/debtors-in-possession move the Court for an order allowing the fees, cost and administrative costs to be secured for payment by deed of trust lien on the debtors/debtors-in-possession/Chapter 11 Estate lots in High Vista, Buncombe County, North Carolina and for other appropriate relief.**

**This the 8<sup>th</sup> day of October, 2008.**

*/s/ David G. Gray*

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**David G. Gray, Attorney for Debtors/D.I.P.  
N. C. State Bar No. 1733**

**WESTALL, GRAY, CONNOLLY & DAVIS, P.A.  
81 Central Avenue  
Asheville, North Carolina 28801  
Tel: (828) 254-6315  
Fax: (828) 255-0305**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

<b>IN RE:</b>	)	<b>08-10768/Chapter 11 Proceeding</b>
	)	
<b>ANATOLI I. KARATCHOUN</b>	)	<b>NOTICE OF HEARING</b>
<b>a/k/a Point West Excavation, LLC</b>	)	
<b>and wife, LYUBOV KARATCHOUN,</b>	)	
	)	
<b>Debtors.</b>	)	

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**TAKE NOTICE** that the debtors/debtors-in-possession have filed motion to secure payment of administrative cost; a copy of the motion accompanies this notice.

**TAKE FURTHER NOTICE** that hearing on said motion will be held on **OCTOBER 22, 2008** at 9:30 a.m. or thereafter as called for hearing before the Bankruptcy Judge Presiding in the first floor courtroom, U. S. Courthouse, 100 Otis Street, Asheville, North Carolina.

**This the 8<sup>th</sup> day of October, 2008.**

*/s/ David G. Gray*

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**David G. Gray, Attorney for Debtors/D.I.P.  
N. C. State Bar No. 1733**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

<b>IN RE:</b>	)	<b>08-10768/Chapter 11 Proceeding</b>
	)	
<b>ANATOLI I. KARATCHOUN</b>	)	<b>CERTIFICATE OF SERVICE</b>
<b>a/k/a Point West Excavation, LLC</b>	)	
<b>and wife, LYUBOV KARATCHOUN,</b>	)	
	)	
<b>Debtors.</b>	)	

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The undersigned certifies that copy of notice of hearing with copy of motion to secure administrative costs has been served by first class mail in a properly addressed envelope with adequate postage affixed on each party listed on the attached mailing matrices.

This the 8<sup>th</sup> day of October, 2008.

*/s/ David G. Gray*

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**David G. Gray, Attorney for Debtors/D.I.P.  
N. C. State Bar No. 1733**

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Label Matrix for local noticing

AAAAA Services, Inc.

Allen Moss

0419-1

PO Box 11

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599 N. Louisiana Ave #67

Case 08-10768

Pisgah Forest, NC 28768-0011

Asheville, NC 28806-3774

Western District of North Carolina

Asheville

Wed Oct 8 11:59:19 EDT 2008

Allied Interstate

Allied Interstate

Asheville Savings Bank

5th Floor

Consumer Service

PO Box 652

3000 Corp. Exchange Dr.

PO Box 361477

Asheville, NC 28802-0652

Columbus, OH 43231-7723

Columbus, OH 43236-1477

Blue Ridge Savings Bank

CAT Access Account

Capital One Bank (USA), NA

20 South Pack Square

PO Box C1117

PO Box 70884

Asheville, NC 28801-3521

Southeastern, PA 19398

Charlotte, NC 28272-0884

Caterpillar Financial

City of Asheville

Derrick R. Bailey

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GE Money Bank

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PO Box 981127

81 Central Avenue

Phoenix, AZ 85062-8626

El Paso, TX 79998-1127

Asheville, NC 28801-2438

HSBC Auto Finance

HSBC Auto Finance

(p)INTERNAL REVENUE SERVICE

P.O. Box 201347

PO Box 17904

CENTRALIZED INSOLVENCY OPERATIONS

Arlington, TX 76006-1347

San Diego, CA 92177-7904

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PHILADELPHIA PA 19114-0326

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John &amp; Wendy Curry

Anatoli I. Karatchoun

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Sherrills Ford, NC 28673

Asheville, NC 28806-9754

700 Longwood Lane

Asheville, NC 28806-9219

Lyubov Karatchoun

LVNV Funding

North Carolina Department of Revenue

Apt. 206

c/o Capital Mgt. Serv.

Bankruptcy Unit

700 Longwood Lane

Suite 700

P.O. Box 1168

Asheville, NC 28806-9219

726 Exchange Street

Raleigh, NC 27602-1168

Buffalo, NY 14210-1494

Pt. West Excavators LLC

Erich M. Ramsey

Ron True, Attorney

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Ascension Capital Group

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U.S. Bankruptcy Administrator

U.S. Securities Exchange

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Charlotte, NC 28202-1673

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Asheville, NC 28801-2608

Washington Mutual  
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William E. & Jean M. McCoy  
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64 Broadway  
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Asheville, NC 28806-5105

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c/o Derrick R. Bailey  
WATSON BAILEY CIOCHINA, LLP  
64 Broadway  
Asheville, NC 28801-2916

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service  
P.O. Box 21126  
Philadelphia, PA 19114

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)George R. Hodges

End of Label Matrix	
Mailable recipients	35
Bypassed recipients	1
Total	36